

ORDINANCE NO. 78  
ORDINANCE REGULATING AND LICENSING  
CERTAIN EXHIBITIONS IN  
THE VILLAGE OF HOKAH  
HOUSTON COUNTY, MINNESOTA

Whereas, Great numbers of persons have assembled at various places the country over and in the immediate locality as well, in connection with the staging of exhibitions as hereinafter defined, and

Whereas, the existing facilities in the village of Hokah, in such activities should be engaged in therein, are not adequate to assure minimum requirements for health, sanitation, fire, police, transportation, and utilities, indicating the need to enact regulations for the orderly conduct of such activities in the Village of Hokah, the Village Council of the Village of Hokah, Houston County, Minnesota, ordains as follows:

**I. DEFINITIONS**

For the purpose of this ordinance, the meaning, connotation and intent of the terms listed in this paragraph shall be as follows:

A. "Village" shall mean within the incorporated limits of the Village of Hokah geographically situated in Houston County, Minnesota.

B. "Person" shall mean any natural human being, partnership, corporation, firm, association, society, company or group.

C. "Exhibition" shall be construed to mean any of the functions described in Section 375.40, Minnesota General Statutes, and in addition thereto music festivals or so called "rock" festivals, but excluding functions which might otherwise fall within this definition of "exhibitions" but are staged at and sponsored by any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or similar permanently established place of assembly for exhibitions which do not exceed by more than 250 people the maximum seating capacity of such place of worship, stadium, etc., at which such exhibition is proposed to be staged, and excluding also so called fairs, agricultural in nature, and sponsored by governmental units held on regularly established fairgrounds.

D. "Regulation" for purposes of this ordinance shall include all rules, regulations, provisions and conditions promulgated by the Minnesota Pollution Control Agency, the State Health Department, the various codes such as electrical, plumbing and any other such administrative regulations of the State of Minnesota, the Minnesota General Statutes and any other laws, rules, regulations or local ordinances thereunto appertaining.

E. "Council" shall mean the Village Council of the Village of Hokah, Houston County, Minnesota.

**II. LICENSE REQUIRED.**

A. No person shall stage an exhibition as defined herein nor shall he permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or five tickets to an exhibition for an assemblage of 1,000 or more people which Continues, or can reasonably be expected to continue, for eight or more consecutive hours, whether on public or private property, unless special use permit has been issued by the Village by the Council, application for which must be made at least 45 days in advance of the exhibition. When applying for an exhibition license, the applicant must submit certified copies of other necessary Minnesota State Licenses and/or permits so support his application.

B. A separate license shall be required for each day or part thereof the exhibition can be reasonably anticipated to assemble and the fee for each license shall be \$300.

C. A license shall permit the exhibition to only the maximum number of people stated in the application thereof.

D. The licensee shall not sell tickets to nor permit to attend the exhibit at the licensed location more than the maximum permissible number of people.

### III. APPLICATION.

A. Application for a license to hold an actual or anticipated exhibition to an assembly of 1,000 or more persons shall be made in writing to the Council and simultaneous therewith, there shall be submitted to the Village Council an application for conditional use permit pursuant to the Village of Hokah Zoning Ordinance, the terms of which are, to the extent applicable thereto, incorporated herein as if set out hereat in full, and both applications shall be made at least 45 days in advance of the date of the commencement of the intended exhibitions.

B. The application shall be made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society, or group. Or, if there are no officers, by all members of such association, society or group.

c. the application shall contain and disclose:

1. The name, date of birth, fingerprints, residence and mailing address of all persons required to sign the application by Section III, B. hereof, and in the case of a corporation, a certified copy of the Articles of Incorporation together with the name, date of birth, residence, and mailing address of each person holding 10% or more of the stock of said corporation;

2. the address and legal description of all property upon which the exhibition is to be held together with the name, residence and mailing address of the record owner (s) of all such property;

3. Proof of ownership of all property upon which the exhibition is to be held or a statement made upon oath or affirmation by the record owner (s) of all such property that the applicant has permission to use such property for an assembly of 1,000 or more persons;

4. The nature or purpose of the exhibition;

5. The total number of days and/or hours during which the exhibition is to last;

6. The maximum number of persons which the applicant shall permit to assemble at the exhibition at any time, not to exceed the maximum number which can reasonably assemble at the location of the exhibition, in consideration of the nature of the exhibition, or the maximum number of persons allowed to sleep within the boundaries of the location of the exhibition by the zoning regulations of the Village of Hokah if the exhibition is to continue overnight;

7. The maximum number of tickets to be sold, if any;

8. The plans of the applicant to limit the maximum number of people permitted to assemble;

9. The plans for fencing the location of the exhibitions and the gates contained in such fence;

10. The plans for supplying potable water including the source, amount available and location outlets;

11. The plans for providing toilet and lavatory facilities including the source, number and location, type, and means of disposing of waste material;

12. The plans for holding, collection, and disposing of solid waste material;

13. The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

14. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lights;

15. the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routs between highway access and parking lots;

16. The plans for telephone service including the source, number and location of telephones;

17. Te plans for camping facilities, if any, including facilities available and their location;

18 The plans for security including the number of guards, their deployment and their names, addresses, credentials and hours of availability;

19. The plans for fire protection as may be required by Section IV, B. 11, herein;

20. The plans for sound control and sound amplification, if any including number, location, and power of amplifiers and speakers;

21. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers;

22. The plans for area traffic control for egress from and exit onto public roads or highways.

D. the application shall include the bond required in Section IV, B. 14, and the license fee.

#### IV. LICENSING CONDITIONS.

Before a license may be issued pursuant to this ordinance, the applicant shall first:

A. Determine the maximum number of people which will be assembled, or admitted to the location of the exhibition, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the exhibition in consideration of the nature of the exhibition, and provided that where the exhibition is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the exhibition by the Zoning or health ordinances of the Village of Hokah, or regulations of the Minnesota State Voard of Health, or other regulations as construed by this ordinance.

B. At the time the application is submitted, the applicant will provide a complete plan including the provisions therein for operation of the exhibition. Ten days prior to the start of the exhibition, local authorities will inspect to determine whether the requirements of these provisions have been met;

1. A fence or barrier (sufficient to prevent ingress-egress except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the exhibition grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the exhibition grounds and provide traffic control onto established public road systems.

2. Potable water, meeting all Federal and State requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled

at the rate of at least one gallon per person per day and where the exhibition is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day, or portion of a day.

3. Separate enclosed toilets for males and females, meeting all State and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, in accordance with the Minnesota State Board of Health Regulations and Standards;

4. A sanitary method of disposing of solid waste, in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly, and sufficient trash containers and personnel to perform tasks;

5. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 5,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 5,000 people;

6. If the exhibition is to continue during hours of darkness, illumination sufficient to light the entire area of the exhibition at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the exhibition;

7. A free parking area inside of the exhibition grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

8. Telephone connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons;

9. If the exhibition is to continue overnight, camping facilities in compliance with all State and local requirements as set forth in Minnesota Statutes and regulations and Resolutions of the Village of Hokah, sufficient to provide camping accommodations for the maximum number of people to be assembled;

10. Security and traffic and narcotics control plan which will meet the requirements of local authorities and the Minnesota Department of Public Safety; regularly employed off-duty Minnesota law enforcement officers or protective agents licensed in Minnesota, sufficient to provide adequate security for the maximum number of people to be assembled; at least one security guard for every 100 people will be provided for the first 1,000 people to assemble, for exhibitions of more than 1,000 people, additional security guards will be provided at the rate of one for each 250 people or major fraction thereof;

11. Fire protection shall be provided by the applicant which may include but not be limited to the following: Fire alarms, extinguishing devices, fire lanes, and shall be sufficient to meet all applicable State laws and local regulations which are in effect or may be set forth by the Village of Hokah concerned; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the applicant also;

12. All reasonably necessary precautions to insure that the sound of the exhibition will not carry unreasonably beyond the enclosed boundaries of the location of the exhibition;

13. Administrative control center with telephones where local authority can contact the applicants and law enforcement personnel inside the exhibition area;

14. A bond, filed with the Village Clerk, either in cash or upon corporate sureties first approved by the Council and the Village Attorney, said corporate surety to be licensed for business in the State of Minnesota and said bond shall be in the minimum penal sum of \$300,000.00, and shall indemnify and hold harmless the Village of Hokah or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, payment of employees, or services rendered by the Village of Hokah, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

15. Before the cash bond or the sureties may be exonerated and discharged, the premises where the exhibition was held shall be restored to the condition thereof immediately preceding the staging of the exhibition, normal depreciation and acts of God alone excepted, and the said bond shall not be released, exonerated or discharged until all of the conditions thereunto appertaining have been satisfied and all damages or liabilities on account thereof have been fully settled and compromised.

#### V. REVOCATION.

Any license issued pursuant to this ordinance may be revoked by the Village of Hokah at any time if any of the conditions necessary for the issuance of or contained in the license or otherwise contained in this ordinance are not complied with, or if compliance of any condition previously met fails.

#### VI. ENFORCEMENT.

A. To enforce the provisions of this ordinance, the Village may employ either Writs or Mandamus or injunctive procedures in any Court of competent jurisdiction and in this respect, the staging of an exhibition in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and shall be subject to abatement as such.

B. The provisions of Section 375.41, Minnesota General Statutes, are hereby incorporated herein and by this reference made a part hereof as if set out hereat in full, and upon conviction by reason of the violation thereof, or conviction of the violation of any provision hereof, a fine not to exceed \$300 or imprisonment in the County Jail for 90 days together with costs of prosecution may be imposed.

#### VII. SEVERABILITY OF PROVISIONS.

The provisions of this ordinance are deemed to be severable. If any section or provision hereof should be declared invalid by a Court of competent jurisdiction, the part thereof so declared shall be severed from but shall not affect the validity of the remainder of this ordinance.

Adopted April 11, 1973.

VILLAGE COUNCIL OF THE VILLAGE OF HOKAH

By: Joseph Melde – Mayor

Attest: Verian Craig – Village Clerk